

1 6. This Interim Consent Agreement does not constitute a dismissal or resolution of
2 this or other matters currently pending before the Board, if any, and does not constitute any
3 waiver, express or implied, of the Board's statutory authority or jurisdiction. The acceptance of
4 this Interim Consent Agreement does not preclude any other agency, subdivision or officer of
5 this State from instituting other civil or criminal proceedings with respect to the conduct that is
6 the subject of this Consent Agreement.

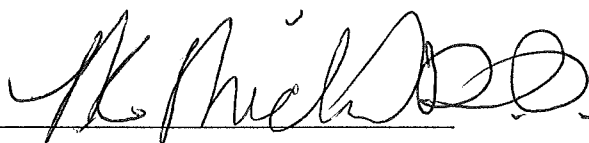
7 7. Upon signing this agreement, and returning this document (or a copy thereof) to
8 the Board's Executive Director, Respondent may not revoke the acceptance of the Consent
9 Agreement. Respondent may not make any modifications to the document. Any modifications
10 to this original document are ineffective and void unless mutually approved by the parties.

11 8. This Interim Consent Agreement, once approved and signed, is a public record
12 that will be publicly disseminated as a formal action of the Board and will be reported to the
13 National Practitioner Data Bank and to the Board's website.

14 9. If any part of the Interim Consent Agreement is later declared void or otherwise
15 unenforceable, the remainder of the Interim Consent Agreement in its entirety shall remain in
16 force and effect.

17 10. If the Board does not adopt this Interim Consent Agreement, (1) Respondent will
18 not assert as a defense that the Board's consideration of the Interim Consent Agreement
19 constitutes bias, prejudice, prejudgment or other similar defense; and (2) the Board will not
20 consider content of this Interim Consent Agreement as an admission by Respondent.

21 REVIEWED AND ACCEPTED THIS 3rd ^{June} DAY OF ~~MAY~~, 2013.

22
23 
24 _____
Lucinda Michel, D.O.

25
26 **JURISDICTIONAL STATEMENT**
27

1 1. The Board is empowered, pursuant to A.R.S. § 32-1800, et seq. to regulate the
2 licensing and practice of osteopathic medicine in the State of Arizona.

3 2. Respondent holds license No. 4314 issued by the Board to practice as an
4 osteopathic physician.

5 **INTERIM FINDINGS OF FACT**

6 1. On August 8, 2011, the Board entered an order in case DO-10-0012 which places
7 Respondent on Probation (“Respondent’s Board Order”). Respondent’s Board Order required
8 Respondent to attend 12-step meetings or other self-help group meetings appropriate for
9 alcohol/substance abuse and approved by Board Staff a minimum of three times per week until
10 August 2012.

11 2. Respondent’s Board Order also required Respondent to contact an automated
12 telephone message system to determine when she is to provide a specimen for drug screen
13 testing.

14 3. On May 16, 2012, Respondent provided a specimen for drug screening. The
15 sample tested positive for Ethylglucuronide.

16 4. On July 6, 2012, Board Staff reviewed Respondent’s compliance with her Board
17 Order. During the review, it was determined that from June 4, 2012 to July 6, 2012, Respondent
18 had not contacted the facility which conducts the random drug screen testing, as required by her
19 Board Order.

20 5. Respondent was contacted by Board Staff on July 6, 2012. Respondent confirmed
21 that she had not called the testing facility from June 4, 2012 to July 6, 2012, as required by her
22 Board Order. Respondent also confirmed that she had not attended any of the 12-step meetings
23 required by her Board Order from June 4, 2012 to July 6, 2012.

24 6. Respondent appeared before the Board at an Investigative Hearing on September
25 15, 2012. The Board offered to continue the matter but in the meantime offered Respondent a
26 Consent Agreement to restrict her practicing medicine until the May 2013 Board meeting and
27 that she will need to comply with all of the terms of probation in Order DO-10-0012 during the

1 time she is restricted from practicing. The Board will continue the investigative hearing at their
2 meeting on May 18, 2013.

3 7. Respondent appeared before the Board at a continuation of the Investigative
4 Hearing on May 18, 2013. The Board discussed her current status and efforts to be in
5 compliance with her prior Board Order in case DO-10-0012. As a result of the continuation it
6 was discussed that Dr. Michel would establish care with a psychiatrist, seek a sponsor in AA and
7 return to the Board's September meeting for continuation of this matter.

8 INTERIM CONCLUSIONS OF LAW

9 1. Pursuant to A.R.S. § 32-1800, et seq. the Board has subject matter and personal
10 jurisdiction in this matter.

11 2. The conduct and circumstances described in the Interim Findings of Fact above, if
12 proven true, constitute unprofessional conduct as defined in A.R.S. § 32-1854:

13 (25) (violating a formal order, probation or stipulation issued by the board under this
14 chapter).

15 ORDER

16 Pursuant to the authority vested in the Board, and based upon the Interim Findings of
17 Fact and Interim Conclusions of Law, **IT IS HEREBY ORDERED THAT LUCINDA**
18 **MICHEL IS RESTRICTED FROM PRACTICING** osteopathic medicine until the Board
19 continues the investigative hearing with Respondent regarding the possible non-compliance with
20 the Board's Order, DO-10-0012 at their regularly scheduled September 2013 meeting.

21 Respondent agrees to comply with all terms of the Order issued in DO-10-0012 and with all of
22 the terms of the Interim Order for Practice Restriction issued in DO-12-0102A. In addition, she
23 agrees to the following:

24 1. Respondent shall establish care with an Arizona, licensed psychiatrist within
25 thirty (30) days of the effective date of this Order. Physician shall submit the name of the
26 physician in writing to the Board Executive Director for approval. Respondent shall ensure that
27 psychiatrist submits an initial report to the Board within thirty (30) days of their initial meeting

1 and quarterly thereafter. Respondent shall comply with all treatment and recommendations
2 made by the psychiatrist.

3 2. Respondent shall establish a sponsor in AA within thirty (30) days of the effective
4 date of this Order.

5 3. Respondent shall establish care with an Arizona, licensed counselor for weekly
6 meetings. Respondent shall ensure that a report from the counselor is provided to the Board
7 within thirty (30) days of the initial meeting and quarterly thereafter. Respondent shall comply
8 with all treatment and recommendations of the counselor.

9 4. This is an interim order and not a final decision by the Board regarding the
10 pending investigative file and as such is subject to further consideration by the Board.

11 5. Any violation of this Consent Agreement and Order constitutes unprofessional
12 conduct and may result in disciplinary action and or referral to the appropriate criminal agency.

13 6. Service of this Order is effective upon either personal delivery or the date of
14 mailing, by U.S. certified mail, addressed to Respondent's last known address of record with the
15 Board. *See* A.R.S. § 32-1855(F).

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ISSUED THIS 4th DAY OF JUNE, 2013.



17 STATE OF ARIZONA
18 BOARD OF OSTEOPATHIC EXAMINERS
19 IN MEDICINE AND SURGERY

20 By: Jenna Jones
21 Jenna Jones, Executive Director

22 Original filed this 4th day of June, 2013 with the:

23 Arizona Board of Osteopathic Examiners
24 In Medicine and Surgery
25 9535 East Doubletree Ranch Road
26 Scottsdale AZ 85258-5539
27

1 Copy of the foregoing sent via certified mail this
2 4th day of June, 2013 to:

3 Lucinda Michel, D.O.
4 Address of Record (Home address)

5 Copy of the foregoing sent via regular mail
6 this 4th day of June, 2013 to:

7 Sarah Selzer, AAG
8 Office of the Attorney General CIV/LES
9 1275 West Washington
10 Phoenix AZ 85007
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